

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, line 14, reset in roman "for".
- 2 Page 3, line 14, after "issuance" insert "**one (1) year**".
- 3 Page 3, line 15, reset in roman "for an additional".
- 4 Page 3, line 15, delete "until an" and insert "**year until the**".
- 5 Page 3, line 17, delete "The expiration date must occur during an".
- 6 Page 3, delete line 18.
- 7 Page 4, between lines 5 and 6, begin a new paragraph and insert:
- 8 "SECTION 5. IC 25-26-13-25, AS AMENDED BY P.L.1-2002,
- 9 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]: Sec. 25. (a) All original prescriptions, whether in
- 11 written or electronic format, shall be numbered and maintained in
- 12 numerical and chronological order, or in a manner approved by the
- 13 board and accessible for at least two (2) years in the pharmacy. A
- 14 prescription transmitted from a practitioner by means of
- 15 communication other than writing must immediately be reduced to

1 writing or recorded in an electronic format by the pharmacist. The files
2 shall be open for inspection to any member of the board or its duly
3 authorized agent or representative.

4 (b) Except as provided in subsection (c) before the expiration of
5 subsection (c) on June 30, 2003, a prescription for any drug, the label
6 of which bears either the legend, "Caution: Federal law prohibits
7 dispensing without prescription" or "Rx Only", may not be refilled
8 without written or oral authorization of a licensed practitioner.

9 (c) A prescription for any drug, the label of which bears either the
10 legend, "Caution: Federal law prohibits dispensing without
11 prescription" or "Rx Only", may be refilled by a pharmacist one (1)
12 time without the written or oral authorization of a licensed practitioner
13 if all of the following conditions are met:

14 (1) The pharmacist has made every reasonable effort to contact
15 the original prescribing practitioner or the practitioner's designee
16 for consultation and authorization of the prescription refill.

17 (2) The pharmacist believes that, under the circumstances, failure
18 to provide a refill would be seriously detrimental to the patient's
19 health.

20 (3) The original prescription authorized a refill but a refill would
21 otherwise be invalid for either of the following reasons:

22 (A) All of the authorized refills have been dispensed.

23 (B) The prescription has expired under subsection (f).

24 (4) The prescription for which the patient requests the refill was:

25 (A) originally filled at the pharmacy where the request for a
26 refill is received and the prescription has not been transferred
27 for refills to another pharmacy at any time; or

28 (B) filled at or transferred to another location of the same
29 pharmacy or its affiliate owned by the same parent corporation
30 if the pharmacy filling the prescription has full access to
31 prescription and patient profile information that is
32 simultaneously and continuously updated on the parent
33 corporation's information system.

34 (5) The drug is prescribed for continuous and uninterrupted use
35 and the pharmacist determines that the drug is being taken
36 properly in accordance with IC 25-26-16.

37 (6) The pharmacist shall document the following information
38 regarding the refill:

- 1 (A) The information required for any refill dispensed under
- 2 subsection (d).
- 3 (B) The dates and times that the pharmacist attempted to
- 4 contact the prescribing practitioner or the practitioner's
- 5 designee for consultation and authorization of the prescription
- 6 refill.
- 7 (C) The fact that the pharmacist dispensed the refill without
- 8 the authorization of a licensed practitioner.
- 9 (7) The pharmacist notifies the original prescribing practitioner
- 10 of the refill and the reason for the refill by the practitioner's next
- 11 business day after the refill has been made by the pharmacist.
- 12 (8) Any pharmacist initiated refill under this subsection may not
- 13 be for more than the minimum amount necessary to supply the
- 14 patient through the prescribing practitioner's next business day.
- 15 However, a pharmacist may dispense a drug in an amount greater
- 16 than the minimum amount necessary to supply the patient through
- 17 the prescribing practitioner's next business day if:
- 18 (A) the drug is packaged in a form that requires the pharmacist
- 19 to dispense the drug in a quantity greater than the minimum
- 20 amount necessary to supply the patient through the prescribing
- 21 practitioner's next business day; or
- 22 (B) the pharmacist documents in the patient's record the
- 23 amount of the drug dispensed and a compelling reason for
- 24 dispensing the drug in a quantity greater than the minimum
- 25 amount necessary to supply the patient through the prescribing
- 26 practitioner's next business day.
- 27 (9) Not more than one (1) pharmacist initiated refill is dispensed
- 28 under this subsection for a single prescription.
- 29 (10) The drug prescribed is not a controlled substance.
- 30 A pharmacist may not refill a prescription under this subsection if the
- 31 practitioner has designated on the prescription form the words "No
- 32 Emergency Refill". ~~This subsection expires June 30, 2003.~~
- 33 (d) When refilling a prescription, the refill record shall include:
- 34 (1) the date of the refill;
- 35 (2) the quantity dispensed if other than the original quantity; and
- 36 (3) the dispenser's identity on:
- 37 (A) the original prescription form; or
- 38 (B) another board approved, uniformly maintained, readily

1 retrievable record.

2 (e) The original prescription form or the other board approved
3 record described in subsection (d) must indicate by the number of the
4 original prescription the following information:

5 (1) The name and dosage form of the drug.

6 (2) The date of each refill.

7 (3) The quantity dispensed.

8 (4) The identity of the pharmacist who dispensed the refill.

9 (5) The total number of refills for that prescription.

10 (f) A prescription is valid for not more than one (1) year after the
11 original date of issue.

12 (g) A pharmacist may not knowingly dispense a prescription after
13 the demise of the practitioner, unless in the pharmacist's professional
14 judgment it is in the best interest of the patient's health.

15 (h) A pharmacist may not knowingly dispense a prescription after
16 the demise of the patient.

17 (i) A pharmacist or a pharmacy shall not resell, reuse, or redistribute
18 a medication that is returned to the pharmacy after being dispensed
19 unless the medication:

20 (1) was dispensed to a patient residing in an institutional facility
21 (as defined in 856 IAC 1-28-1(a));

22 (2) was properly stored and securely maintained according to
23 sound pharmacy practices;

24 (3) is returned unopened and:

25 (A) was dispensed in the manufacturer's original:

26 (i) bulk, multiple dose container with an unbroken tamper
27 resistant seal; or

28 (ii) unit dose package; or

29 (B) was packaged by the dispensing pharmacy in a:

30 (i) multiple dose blister container; or

31 (ii) unit dose package;

32 (4) was dispensed by the same pharmacy as the pharmacy
33 accepting the return;

34 (5) is not expired; and

35 (6) is not a controlled substance (as defined in IC 35-48-1-9),
36 unless the pharmacy holds a Type II permit (as described in
37 IC 25-26-13-17).

38 (j) A pharmacist may use the pharmacist's professional judgment as

- 1 to whether to accept medication for return under subsection ~~(h)~~ (i).
- 2 (k) A pharmacist who violates subsection (c) commits a Class A
- 3 infraction."
- 4 Page 7, after line 13, begin a new paragraph and insert:
- 5 "SECTION 11. **An emergency is declared for this act.**".
- 6 Renumber all SECTIONS consecutively.
(Reference is to HB 1438 as introduced.)

and when so amended that said bill do pass.

Representative Brown C